

**BOARD OF PSYCHOLOGY**

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BOARD MEETING MINUTES
Department of Consumer Affairs
1424 Howe Avenue, Suite F
Sacramento, CA 95825
Greg Gorges Conference Room
(916) 263-2699

Friday, November 19, 2004

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 10:00 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
James McGhee
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Lew Tan

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Don Chang, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator
Karen Johnson, Licensing/Registration Analyst
Kris Rose, Licensing/Registration Coordinator

Public Present:

B.J. Combs, MCEP Accrediting Agency
Charles Faltz, Ph.D., California Psychological Association
Jeffrey M. Rankin, Ph.D., California Psychological Association
Patricia Rose, Ph.D., San Diego Psychological Association

Agenda Item #1 – Committee Meetings

The Continuing Education, Enforcement Committee and Examination Committee met to discuss and formulate recommendations to the board.

Agenda Item #2 – Committee Meetings

The Consumer Education Committee, Credentials Committee and Legislation Committee met to discuss and formulate recommendations to the board.

Agenda Item #3 – Shames, Carl, Ph.D. – Hearing on Petition for Reinstatement of Revoked/Surrendered License

Administrative Law Judge Karl Engeman presided. Deputy Attorney General Steven Boreman was present and represented the people of the State of California. Carl Shames, Ph.D., was present and represented by Jonathan A. Bornstein.

The board adjourned into closed session at 2:25 p.m.

Saturday, November 20, 2004

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:30 a.m. A quorum was present and due notice had been sent to all interested parties.

Members Present:

Jacqueline Horn, Ph.D., President
William Thomas, Ph.D., Vice-President
Howard Adelman, Ph.D.
Ellen Graff, Ph.D.
James McGhee
Myra Scott Reifman
Ronald Ruff, Ph.D.
William Lew Tan

Others Present:

Thomas O'Connor, Executive Officer
Jeffrey Thomas, Assistant Executive Officer
Don Chang, Legal Counsel
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement/Probation Coordinator
Karen Johnson, Licensing/Registration Analyst
Kris Rose, Licensing/Registration Coordinator

Public Present:

Charles Faltz, Ph.D., California Psychological Association
Patricia Rose, Ph.D., San Diego Psychological Association
Allison Parelman, Ph.D., Los Angeles Society of Clinical Psychologists
Nicole Schwarz, Center for Public Interest Law

Agenda Item # 6 – Approval of May 7 & 8, 2004, Open Session Minutes

It was M(Adelman)/S(Tan)/C to approve the open session minutes.

VOTE: 7 Ayes (Dr. Ruff not present)

Agenda Item # 7 - President's Report

a) Correspondence

Dr. Horn reported on an email received from Amy Watt, Ph.D. Dr. Watt indicated that the telephone company charges \$10 per month to display a license number in their phone directory as required by section 1380.6 of the California Code of Regulations. She requested that the board consider changing its policy in this regard. Dr. Horn stated that the display of a license number assures consumers that a psychologist is licensed. She noted that, at this point, the board has received no comments about this issue from other psychologists.

b) Other President's Informational Items

None.

Agenda Item # 8 - Executive Officer's Report

a) Sunset Review Supplemental Questions and Responses

Mr. O'Connor reported on the supplemental questions submitted by the Joint Committee on Boards, Commissions and Consumer Protection, as well as the responses provided by board staff. He stated that he met with a representative from the Joint Committee who indicated that the committee was pleased with the responses provided. Mr. O'Connor also reported that the Sunset Review hearing, originally scheduled for early December, has been delayed until January 5, 2005, due to Legislative conflicts.

b) California Performance Review Update

Mr. O'Connor indicated that he had no further information to report at this time.

c) Strategic Plan Update

Mr. O'Connor provided the board with an update of the status of the strategic objectives from the 2004/2005 Strategic Plan.

d) Staff Update

Mr. O'Connor reported that the board's Enforcement Analyst, Mary Laackmann, has accepted a promotional position with the Department of Social Services. He also indicated that board staff is currently initiating the recruitment process to fill the vacancy when she leaves.

Mr. O'Connor announced that one of the board's Licensing/Registration Analysts, Kris Rose, has been promoted to Licensing/Registration Coordinator and will be in attendance at future board meetings.

e) Other Executive Officer Informational Items

Mr. O'Connor announced that Jo Linder-Crow, Ph.D., the former Director of the Office of Continuing Professional Education of the American Psychological Association, has been appointed as the new Executive Director of the California Psychological Association.

Mr. O'Connor reported on his recent attendance at the Annual Meeting of the Association of State and Provincial Psychology Boards (ASPPB) in Atlanta, GA. He indicated that a major focus of this meeting was regarding the development of an online application process to take the Examination for Professional Practice in Psychology.

Mr. O'Connor announced the resignation of Randy Reeves, Ph.D. as the Executive Officer of ASPPB. Dr. Reeves had served in this capacity for approximately 25 years.

Agenda Item # 9 - Legal Counsel's Report

a) DCA Recommendations – Re: Complaint Disclosure Policy & Citation Regulations

Mr. Chang presented suggested regulatory language to increase the amount of fines assessed as a result of a citation from \$2,500 to \$5,000. Effective January 1, 2004, Business and Professions Code section 125.9 was amended to allow this increase. The Department of Finance had concerns that some agencies would use this increased fine amount to make up deficits in their budget. Therefore, the Department of Consumer Affairs' Legal Office came up with suggested language that sets forth criteria for assessing fines in excess of \$2,500. It was M(Tan)/S(Graff)/C to initiate the rulemaking process using the suggested language. The hearing will be held at the February quarterly board meeting.

VOTE: 8 Ayes

Mr. Chang presented proposed language reflecting the DCA's recommendations regarding complaint disclosure to the public. The DCA's recommended language includes a section that allows complaints to be disclosed to the public, prior to the filing of an Accusation, if certain conditions are present. Currently, the board's complaint disclosure policy does not call for disclosure of complaints prior to the filing of an Accusation, unless the Board seeks and is granted an Interim Suspension Order. Interim Suspension Orders are sought when it can be proven that it would be dangerous to consumers to allow the psychologist to continue practice.

The board discussed the pros and cons of the proposed language and directed staff to prepare draft language revising the board's existing policy to make clear that it is already very similar to DCA's recommendations, and that in certain circumstances, complaints will be disclosed prior to filing an Accusation when an Interim Suspension Order has been granted. Additionally, the policy can include language that allows complaints against unlicensed persons to be disclosed to the public. It was

M(Tan)/S(Graff)/C to direct staff to draft a new complaint policy for review by the enforcement committee to finalize and present to the full board for approval.

VOTE: 8 Ayes

Agenda Item # 10 – Regulation Update

a) Applications (Section 1381)

Ms. Bradbury reported that the regulatory process was complete, and revised section 1381 became effective October 23, 2004.

b) Pre-Licensure Training Requirements (Sections 1382.5; 1382.6)

Ms. Bradbury reported that the regulatory process was complete, and section 1382.5 was amended, and section 1382.6 was adopted and became effective November 21, 2004.

c) Supervised Professional Experience and Registered Psychologists/Registered Psychological Assistants (Sections 1387 – 1387.7 and 1389.1 – 1391.11)

Ms. Bradbury provided the board with the update/status on this rulemaking file.

d) Distance Learning Continuing Education (Section 1397.60)

Ms. Bradbury provided the board with the update/status on this rulemaking file.

e) Continuing Education Training Requirements (Section 1397.61)

Ms. Bradbury reported that the regulatory process was complete, and revised section 1397.61 became effective October 24, 2004.

f) Other Regulation Update Informational Items

None.

Agenda Item # 11 - Continuing Education Committee Report

a) Discussion of an Overall Framework to Guide Thinking About Continuing Education

Dr. Adelman presented a proposal and outline to develop a framework to guide thinking about continuing education. It was M(Continuing Education Committee)/C to move forward with the proposal. The proposal and outline will be distributed to experts and stakeholders for comments and suggestions. Dr. Adelman will work with Mr. Thomas in the development of a letter to accompany the documents.

VOTES: 8 Ayes

b) Accreditation Council for Continuing Medical Education (ACCME) Courses

Dr. Adelman presented draft proposed language that would amend 1397.61(f) of Title 16, of the California Code of Regulations, to formally recognize the American Psychological Association (APA), the California Medical Association (CMA), the Accreditation Council for Continuing Medical Education (ACCME), and the Academies of the specialty boards of the American Board of Professional Psychology (ABPP) as entities to perform an accrediting function. Currently, APA, CMA & ABPP are recognized. This proposal would add ACCME as a recognized entity. It was M(Continuing Education Committee)/C to initiate the rulemaking process. A hearing will be held at the February meeting.

VOTE: 8 Ayes

c) Other Continuing Education Update Informational Items

Dr. Adelman presented a matrix of continuing education requirements of all states and Canadian provinces that was prepared by board staff. He indicated that this document will be extremely useful as we move forward with enhancing our continuing education requirements.

Agenda Item # 12 - Credentials Committee Report

a) Discussion of Supervised Professional Experience Accrued Outside the United States and Canada

Dr. Graff reported that research had been done by board staff to determine whether or not other states accept supervised professional experience from outside the country. It was found that other states handle this issue on a case by case basis, which is consistent with how the issue is addressed in California.

b) Discussion of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience

Research was completed to determine the history of the 30-consecutive month limit for accrual of each year of supervised professional experience. Although the standard applied in the majority of state and provincial psychology licensing boards in North America is 24 – 26 consecutive months, the California Board of Psychology has allowed 30-consecutive months since April of 1979. The California standard is reasonable and generous in that it exceeds the standards used by other licensing boards. Therefore, the Credentials Committee recommends maintaining the 30-consecutive month limit.

c) Request for Exemption from the Child Abuse Training Requirement

It was M(Credentials Committee)/C to deny M.S.'s request for an exemption from the prelicensure training requirement in Child Abuse Assessment. The Board determined that all California psychologists need to have broad-based training whether or not they will be working directly in the field of child abuse.

VOTE: 8 Ayes

d) Acceptance of Teaching in Fulfillment of Prerequisite Courses for Licensure

It was M(Credentials Committee)/C to accept teaching in relevant subject areas as fulfillment of prerequisite coursework for licensure.

VOTE: 8 Ayes

e) Appeal of Denial of Hours of Supervised Professional Experience Accrued in Germany

It was M(Credentials Committee)/C to deny V.B.'s appeal to approve hours of supervised professional experience accrued in Germany.

VOTE: 8 Ayes

f) Customer Satisfaction Survey of Initial Licensees and Registrants

Ms. Rose provided the board with a draft consumer satisfaction survey that will be sent to all new registrants and licensees. The board asked staff to begin using the survey after making minimal changes and to periodically provide the results of the survey to the board.

g) Other Credentials Informational Items

None

Agenda Item # 13 - Examination Committee Report

a) Examination Update

Dr. Ruff provided an update on the upcoming changes to the California Jurisprudence and Professional Ethics Exam (CJPPE). As a result of the recent Occupational Analysis, a survey was conducted by the Department of Consumer Affairs' Office of Examination Resources with licensed psychologists throughout California to determine the type, importance, complexity, and how often certain duties are conducted in the field. This information will help to determine if there are areas of competency that are not currently addressed in the EPPP and the CJPPE.

Agenda Item # 14 - Enforcement Committee Report

a) Enforcement Statistics

Ms. Burns provided the board's enforcement statistics that included the first three months of fiscal year 2004/2005. Additionally, per the board's request at the August quarterly board meeting, definitions defining the statistical categories were placed on the back of the page and added to the board's website.

b) Draft Practice Monitor Application

Ms. Burns reported that during the Enforcement Committee Meeting the members approved the revisions to the Practice Monitor Application and directed staff to begin using it.

c) Consumer Satisfaction Survey (Draft)

Ms. Burns provided the board with a draft consumer satisfaction survey. She explained that the recent Sunset Review process required consumers to be surveyed regarding their satisfaction with the board's complaint process dating back four years. The results of the survey indicated that the survey process itself had opened old wounds and caused turmoil for some recipients. In an effort to lessen impact on consumers, but still obtain the information requested by the legislature, the new survey will be mailed to consumers immediately upon the closure or final disposition of their complaint. The board asked staff to begin using the survey and to periodically provide the results to the board.

d) Other Enforcement Informational Items

Ms. Burns reported that the Enforcement Committee members reviewed the current application to become an expert reviewer for the board. The members provided some revisions to the application to make it more direct and clear. Ms. Burns will update the application and put it in use.

Ms. Burns asked that the board members review a list of areas of practice in the psychology profession and expand the list as needed. This list is used to categorize the board's expert reviewers and to assist in selecting the most qualified expert to review each enforcement case.

Agenda Item # 15 - Legislation Committee Report

a) AB 320 (Correa)

Dr. Thomas reported that AB 320 was vetoed by the Governor on September 22, 2004. This bill would have prohibited a licensee, or an entity acting on behalf of a licensee, from inserting a provision in a settlement agreement in a civil matter that prohibits the plaintiff from subsequently contacting, filing a complaint, or cooperating with the board, or that requires the plaintiff to withdraw an existing complaint from the board.

b) AB 2182 (Koretz)

Dr. Thomas reported that AB 2182 revises the definition of a "professional person" in section 6929 of the Family Code to include, among others, a psychological assistant when appropriately employed and supervised, pursuant to section 2913 of the Business and Professions Code. This statute is regarding the diagnosis and treatment of minors 12 and over for drug or alcohol related problems. He informed the board that this bill was chaptered on June 23, 2004.

c) SB 598 (Machado)

Dr. Thomas reported that existing law prohibits providers of health care, health care service plans, and contractors from releasing medical information to persons authorized by law to receive that information, if the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the requester of the information submits a specified written request for the information to the patient and to the provider of health care, health care service plans, or contractor. SB 598 would except from those provisions specified disclosures that are made for the purpose of diagnosis or treatment of a patient. He informed the board that this bill was chaptered on September 10, 2004. At the request of the board, Mr. Chang will write a summary of this bill to be sent out to board members.

d) SB 1913 (Senate B & P Committee)

Dr. Thomas reported that SB 1913 is an omnibus bill to clean up and update existing outdated language and to add new language as required. He informed the board that this bill was chaptered on September 22, 2004.

e) Other Legislation Informational Items

Dr. Faltz reported to the board on SB 1853 (Perata). This bill would have revised the scope of practice of licensed clinical social workers to include the application of specialized clinical knowledge and advanced clinical skills in the areas of assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions, and addictions. He informed the board that this bill did not pass the Legislature.

Agenda Item # 16 - Consumer Education Committee Report

a) Website Statistics

Ms. Reifman provided the board with statistics regarding the usage of its website.

b) BOP Update #12

Ms. Reifman reported that BOP Update #12 is final and ready to be printed. She indicated that the newsletter will be mailed out in early January.

c) Discussion of Consumer Outreach

Ms. Reifman presented a draft letter to be sent to community based organizations along with the board's consumer publications. It was M(Consumer Education Committee)/C to approve the letter for distribution. It was also determined that a survey will be sent to these organizations four months after they are initially contacted to determine if our publications are being used.

VOTE: 8 Ayes

d) Other Consumer Education Informational Items

None.

Agenda Item # 18 - Public Comment

None.

It was M(Thomas)/S(Ruff)/C to adjourn. The open session meeting adjourned at 10:50 am.

Jacqueline Horn, Ph.D.
President

Date